

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

RAYMOND GONZALEZ,

Plaintiff,

-against-

9:10-CV-0312 (LEK/DEP)

DR. DONALD SAWYER; DR. SHADIA  
HANNA; TODD HARMON, Security  
Hospital Treatment Assistant; THOMAS  
NITTI, Security Hospital Treatment  
Assistant; MICHAEL NICOTERA,  
Security Hospital Treatment Assistant; and  
J. NADEAU, Security Hospital Treatment  
Assistant,

Defendants.

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**ORDER**

This matter comes before the Court following a Report-Recommendation filed on January 6, 2012, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 40).

Within fourteen days after a party has been served with a copy of a magistrate judge's report-recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1(c). No objections have been raised in the allotted time with respect to Judge Peebles' Report-Recommendation.

Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby:

**ORDERED**, that the Report-Recommendation (Dkt. No. 40) is **APPROVED** and

**ADOPTED** in its **ENTIRETY**; and it is further

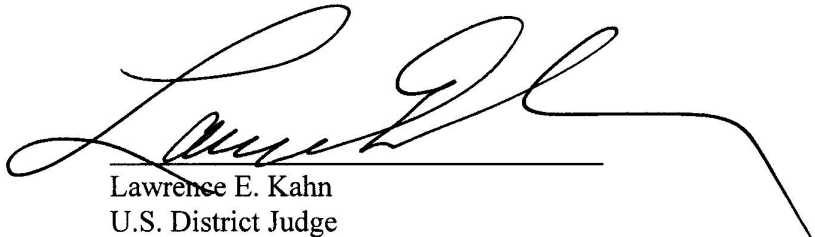
**ORDERED**, that Defendants' Motion to dismiss Plaintiff's Complaint for failure to appear for deposition (Dkt. No. 36) is **DENIED**; and it is further

**ORDERED**, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED without prejudice** against Defendant J. Nadeau, based upon Plaintiff's failure to effectuate service upon that Defendant within the prescribed time periods; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on the parties.

**IT IS SO ORDERED.**

DATED: February 06, 2012  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge